

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.13688 OF 2017

01 Dhananjay s/o Sambhaji Abhale
and two others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mrs.M.V.Narwade, advocate for the petitioners.

Mrs.P.V.Diggikar, AGP for Respondent No.1.

Mr.B.S.Deshmukh, advocate for Respondent No.2.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 03rd April, 2019.

P.C. :

Vide advertisement No. 02/17, Respondent No. 2 Maharashtra State Road Transport Corporation had invited online applications for the posts of Driver, Conductor, Clerk cum Typist and Assistant (Junior).

2 The petitioners, by way of present petition, claimed to be holding SSC with ITI Diploma qualification and applied for the post of Assistant (Junior) in response to the aforesaid advertisement. In the written examination, petitioners claimed to have secured substantial marks which are over and above the marks allotted to Respondents No. 3 to 5. According to petitioners, as there is illegality committed by Respondent No. 2 in the selection process, the selection needs to be quashed and set aside; or else, the petitioners need to be declared as selected candidates

and appointment needs to be granted to them.

3 *Per contra*, learned counsel for Respondent No. 2 Shri Deshmukh, relying upon the affidavit filed on behalf of Respondent-Corporation, submits that the meritwise position of the petitioners is as under :

(a) Petitioner No. 1 - Dhananjay Sambhaji Abhale :

 He was applied from the Non-Apprentice Cadre from General Category (Open) and secured 62 marks and cut-off merit list is closed on 78 Marks, therefore his name has not been shown/included in the Final Selection List.

(b) Petitioner No. 2 - Madhav Sambhaji Magar :

 He was applied from the Apprentice Cadre from General Category(Open) and secured 76 Marks and improved cut-off merit list has been closed on 76 Marks, therefore his name has been shown/included in the Waiting List.

(c) Petitioner No. 3 - Lahu Navrutti Ambhore :

 He was applied from the Non-Apprentice Cadre from General Category(Open) and secured 60 marks and cut-off merit list is closed on 78 Marks, therefore his name has not been shown/included in the Final Selection List.

(d) Petitioner No. 4 - Chhatrapati Shivaji Garad :

 He was applied from the Non-Apprentice Cadre from General Category(Open) and secured 52 Marks and cut-off merit list is closed on 78 Marks, therefore his name has not

been shown/included in the Final Selection List.

4 According to him, it is only petitioner no. 2, namely Madhav Sambhaji Magar, who had applied from Apprentice Cadre, received 76 Marks and as such, his name is included in the waitlist. Shri Deshmukh then submits that petitioners no. 1, 3 and 4, in view of aforesaid marks allotted to them, have failed to qualify the selection process as they have not crossed the benchmark. The learned counsel, as such sought dismissal of the petition.

5 Having appreciated the submissions, what is noticed is, the grievance of petitioner no. 2 Madhav Sambhaji Magar stood already redressed, as Respondent No. 2, in the affidavit-in-reply, in categorical terms has stated about inclusion of his candidature in the waitlist based upon his merit in the Apprentice Cadre. What could be noticed from the contents of the advertisement and the affidavit of respondent authorities is, 50% of the posts were reserved for the candidates who have successfully completed their apprenticeship in the requisite Trades, particularly having regard to the vacant technical posts advertised. The advertisement and the selection list further reflect that the Corporation has taken recourse to horizontal and parallel reservation and accordingly determined cut-off marks for selection of the candidates. The categorisation of the Cadre into apprentice and non-apprentice and then application of reservation based on the social status of candidates, has prevailed before the Corporation while declaring the select list. So far as Respondents No. 3 to 5 are concerned, said candidates were not selected in view of the fact that, in

verification of documents, said respondents have not qualified and that being so, challenge raised to their selection fails.

6 Even otherwise, having regard to the position of marks obtained by the petitioners, their merit in the merit list except petitioner no. 2, we hardly notice any reasonable ground which warrants interference at the behest of petitioners.

7 As such, petition fails and stands dismissed.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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